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Attorney for the Professional Counselor
Examiners Committee of the New Jersey
State Board of Marriage and Family
Therapy Examiners

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FILED
[Signature]
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE
9/6/07

STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
PROFESSIONAL COUNSELOR EXAMINERS
COMMITTEE OF THE STATE BOARD OF
MARRIAGE AND FAMILY THERAPY
EXAMINERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION : ADMINISTRATIVE ACTION
OF THE LICENSE OF
37 PC 00094000
JANET COYLE : CONSENT ORDER

TO PRACTICE PROFESSIONAL
COUNSELING IN THE STATE OF
NEW JERSEY :

This matter was opened to the New Jersey State Professional Counselor Examiners Committee (the "Committee") of the New Jersey State Board of Marriage and Family Therapy Examiners upon receipt of a complaint from H.P. alleging professional misconduct by Janet Coyle ("Respondent"), a Licensed Professional Counselor. H.P. alleged that respondent, who was treating both H.P. and her husband, W.W., disclosed privileged information to H.P.'s husband without obtaining a waiver of confidentiality from H.P.

Respondent appeared before the Committee with her attorney Alan H. Zuckerman, Esq. on November 16, 2006 for an investigative inquiry. Respondent testified that she is the owner and Executive Director of Counseling Centers of Delaware Valley located in Marlton, New Jersey. Respondent acknowledged that she treated both H.P. and her husband, W.W., for marital issues. She saw each client separately and then shared information with both parties. She testified that she advised H.P. and W.W. that she would be sharing information with both clients but did not document a discussion of confidentiality in either client's file and admitted that she did not ask either client to sign a waiver of confidentiality. Respondent also admitted that she did not provide HIPAA forms to her clients despite accepting insurance reimbursements.

Respondent testified that she referred W.W. to Dr. R., a psychiatrist, who is one of two independent psychiatrist contractors that shares office space in her office suite. She acknowledged that she refers most of her cases to these two psychiatrists, and claims that she "trusts" their abilities. Respondent admitted that the Counseling Centers of Delaware Valley collects payment for the psychiatrists' services and pays the psychiatrists an hourly fee for their services.

The Committee reviewed respondent's client records and noted that the records failed to include a treatment plan.

The Committee reviewed the entire record concerning this case, including the complaint filed by H.P., as well as respondent's testimony and documents submitted by the respondent. Of specific concern to the Committee is respondent's failure to obtain a written waiver of confidentiality from either client and inadequacies in her record keeping, specifically her failure to include a treatment plan in her client records. The Committee was troubled that respondent referred a client for services for which she received a financial benefit.

Based on the Committee's review it appears that respondent's conduct as described above provides grounds to initiate disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(e), in that respondent engaged in professional misconduct, pursuant to N.J.A.C. 13:34-18.5(a)6 in that respondent failed to have each client sign a waiver permitting her to share information that she received with the other client, pursuant to N.J.A.C. 13:34-18.1(c) in that respondent failed to include a treatment plan in her client records and pursuant to N.J.A.C. 13:34-30.6 in that respondent had a financial interest in the referral of client W.W. to Dr. R.

It appearing that respondent wishes to resolve this matter without further proceedings, and the Committee finding that the

following disposition of this matter is adequately protective of the public and other good cause appearing;

IT IS THEREFORE ON THIS 16th DAY OF September 2007

ORDERED:

1. Respondent is reprimanded for engaging in professional misconduct, in violation of N.J.A.C. 13:34-18.5(a)6 by disclosing privileged information without obtaining a written waiver of confidentiality from clients H.P. and W.W., for failing to include a treatment plan in her client records, in violation of N.J.A.C. 13:34-18.1(c) and for referral of client W.W. to a psychiatrist as she had a financial interest in the referral, in violation of N.J.A.C. 13:34-30.6.

2. Respondent shall cease and desist from disclosing privileged information without obtaining a written waiver of confidentiality from each client, from failing to include a treatment plan in her client records and from referral of clients to any services in which she has a financial interest in the referral.

3. Respondent shall attend and successfully complete a three (3) credit graduate level course pre-approved by the Committee focusing on diagnosis and treatment, which shall include record keeping requirements. Said course shall be successfully completed at a regionally accredited institution within one (1) year of the entry of this Consent Order. This course is in addition to the

biennial hours of continuing education required pursuant to N.J.A.C. 13:34-15.1. Respondent shall submit proof of successful completion of the course on or before September 1, 2008.

4. Respondent shall pay the costs of the State's investigation in the amount of five hundred forty nine dollars (\$549.00) due and payable no later than thirty (30) days following the entry date of the Order. Payment shall be submitted to the Committee by certified check or money order made payable to the Treasurer, State of New Jersey. The payment shall be sent to Elaine DeMars, Executive Director, State of New Jersey Professional Counselor Examiners Committee, P.O. Box 45007, Newark, New Jersey 071001. In the event respondent fails to timely pay, a certificate of debt may be filed in accordance with N.J.S.A. 45:1-24, and the Committee may bring such other proceedings as authorized by law.

5. Respondent shall submit a report on or before September 1, 2007 demonstrating that she has corrected her business practices, including all items for which a reprimand was imposed under paragraph #1 above. If so requested by the Committee, respondent shall appear before the Committee where the burden shall be upon the respondent to demonstrate to the Committee's satisfaction that her business practices are in compliance with all regulations for licensed professional counselors.

6. Respondent shall comply with all statutes and regulations, as well as professional standards of conduct and obligations imposed by law on licensed professional counselors.

7. Any deviation from the terms of paragraphs #1 through 5 of this Consent Order without prior written consent of the Committee shall be grounds for disciplinary action as the Committee may determine and may constitute grounds for new charges that may result in the suspension or revocation of respondent's license.

PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE OF
THE NEW JERSEY STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS

By: _____

J. Barry Mascari
J. Barry Mascari, LPC
President

I have read the above order and I understand and agree to abide by its terms. Consent is hereby given to the Professional Counselor Examiners Committee of the New Jersey State Board of Marriage and Family Therapy Examiners to enter this Order.

Janet E. Coyle

Janet Coyle, L.P.C.

Consent as to form:

Alan H. Zuckerman, Esq.

Alan H. Zuckerman, Esq.
Flaster Greenberg
Attorney for respondent